

**San Francisco Estuary Project  
Implementation Committee Meeting**

November 3, 2006

Elihu M. Harris State Building

Oakland, California

**DRAFT MEETING SUMMARY**

**1. Introductions/Approval of August 4, 2006 Meeting Summary**

Tom Mumley, Chair of the Implementation Committee, called the meeting to order at 9:40 am and proceeded with a round table of introductions. The Meeting Summary for August 4, 2006 was approved.

**2. Public Comments**

Marcia Brockbank gave a brief summary of the Jean Auer Award established by SFEP to honor the memory of Mrs. Auer, a long time water policy leader. Trish Mulvey, the first recipient, was awarded this honor at the 2005 State of the Estuary Conference, however the award itself, a silver medal engraved with Mrs. Auer's likeness was not ready at the time of the conference. Tom Mumley presented the medal to Mrs. Mulvey at the meeting.

**3. CCMP Update Workgroup Reports**

Tom Mumley reviewed the agenda and described the process for the meeting.

**A. Aquatic Resources (AR) and Wildlife (WL) Chapters- Rick Morat, facilitator**

The 1993 CCMP had 62 Actions in these two chapters. The workgroup did not change 42 of the actions, but focused on 20 of which, 6 were revised. About 20 new actions are being presented. His power point highlighted large and/or potentially controversial items including AR-1.1 Monitoring, AR-4.2 Industrial Discharges, AR-New Marine Debris, AR-5.1 Bay freshwater inflow requirements, AR-5.6 Stream inflow needs, AR-New Subtidal habitats, WL-1.2 Marin/Sonoma Baylands refuge, WL-5.1 & 5.2 landside and water access for recreation.

**Questions/Comments**

**David Lewis:** On the inflow issue, will the State deal with inflow standards and isn't there an IEP study on minimum flow standards?

Were power plants discussed because of possible impacts (temp) from discharges? No, permits for power plant discharges are federally driven and the workgroup just wanted to find outflow/minimum flow standards for the Bay.

On industrial intake the State is moving towards restrictions on power plant intakes. Power plant discharges have had revised guidance from the federal level. Should these new drivers be addressed in this action?

For public access and wildlife, there is a recent BCDC guide.

Is marine debris being addressed in other program areas? Need to emphasize water quality aspect. The focus of this group is on protecting fish and wildlife. The water quality aspect may be addressed in the Pollution Prevention chapter.

**Arthur Feinstein:** There should be a better definition of industrial intakes and discharges; not just power plants but other industrial facilities. He stated there needs to be better scientific study of the freshwater inflow issue; he felt item was not clear enough.

Regarding power plant inflows and discharges, with the Potrero plant in San Francisco the EPA was not more restrictive. Need more complete research on effects of discharges on aquatic wildlife.

#### **B. Wetlands (WT) Chapter, Luisa Valiela/Mike Monroe, facilitators**

Luisa Valiela made the presentation. The wetlands workgroup is not deleting any current objectives or actions. Her presentation highlighted these issues; Action WT-1.3.1 Increase protection of seasonal wetlands, focusing on increased reliance on State legislation since federal SWANCC decision; Action WT-1.3.2 Increase protection of riparian area; Action WT-4.3 Consider mercury methylation when restoring wetlands—emphasis is on knowing more not slowing down restoration—priority of monitoring for methylation in wetlands restoration; Action WT-5.2 Global warming/sea level rise is a monitoring priority.

#### **Questions/Comments**

**David Lewis:** Wording and actions do not address critical need to additional funding for wetland restoration; need to highlight high priority need for funding for wetland restoration—not acquisition. There is a gap in funding over decades. This should be an Action Item or covered in the Introduction.

**Cathy Bleier:** Workgroups need to pursue research funding; name possible funding mechanisms.

**Ellen Johnck:** Are the new actions items that have not been done or are they on-going things part of the CCMP Update process? Mumley: Short answer; both. Workgroups are keyed into looking at priorities. Ellen: Prior action items were part of the process; update needs to focus on what is really happening and the priorities for funding. Mike Monroe commented: there is a recognition that some work is going on; update will support continuing research.

#### **C. Pollution Prevention (PO) Chapter, Richard Looker, facilitator**

The workgroup has identified six issues as potentially controversial; 1) a new stream and wetland function goal to promote restoration of streams and wetlands as a public good as well as a treatment system for pollutants; 2) toxic hot spot clean-up—edits to current action to speed up process; 3) reformulation or replacement of commercial products that are sources of water pollution; 4) control of pollutants in urban runoff causing water pollution; growing evidence that urban runoff is a major source of contamination and how to regulate and control; 5) resources for urban runoff-infrastructure; estimates of up to \$100 million have been spent on urban runoff control measures but it is debatable if funds were spent effectively; 6) new actions regarding trash pollution prevention.

#### **Questions/Comments**

**Steve Macaulay:** Chapter should address the Central Valley Regional Board's Ag Discharge Waiver; they are also working on a new Central Valley Drinking Water Policy which addressed 5 constituents of concern that effect water quality in the Bay system.

**Nadine Hitchcock:** Noted the difficulties with toxic hot spot clean up; permit process and the lack of State taking responsibility; huge insurance problem for each restoration project. This is an impediment ...narrative problem for Introduction.

**David Lewis:** Toxic hot spots not limited to 7 hot spots; didn't include places on the shoreline. Need more infrastructure for urban runoff. Reference IRWMP and bond funding. Need to address multiple goals; water supply; habitat. Growing area—gap in planning agencies and multi-use.

**Phil Bobel:** Issue #3 Commercial products (replacement) should mention emerging contaminants; link to ongoing activities of Santa Clara Basin WMI, Bay Area Pollution Prevention workgroup. IC should support the need for broader/larger group to address household hazardous waste, products, sewage, stormwater, etc.

**Arthur Feinstein:** Toxics removal relevant to base closures such as Hunters Point; should be an action to address military base clean up to ecological standard, not to cheapest level.

**D. Land Use and Watersheds (LU) - Cathy Bleier/Rainer Hoenicke, facilitators**

Cathy Bleier made the presentation. The workgroup has identified six actions as potentially controversial. 1) LU-1.1 revised action for floodplain management and CEQA guidelines 2) New Action: stormwater site planning guidelines 3) New Action: Adopt floodplain restoration and protection 4) New Action: Protect and restore natural watershed functions 5) Complete Bay Area Upland Habitat Goals 6) Develop new funding mechanisms. The amount of new material will require major revision of the introductory material.

**Questions/Comments**

**Arthur Feinstein:** The watershed planning component fails to deal with 404 issues. Hoenicke: item was considered non-controversial; Corps public notice listed things to be included in a watershed plan.

**Ellen Johnck:** Something on flood damage reduction is needed—consider beneficial use of streams, floodplains and wetlands for flood damage reduction. Mumley: flood control not considered a beneficial use in the Basin Plan.

**Nadine Hitchcock:** Committee should consider recommendations of Bay area watershed plan as well as upland habitat goals, both Coastal Conservancy priorities—watershed assessment—work on language IRWMP lists pieces of watershed plans—a shortlist of recommendations. Item should explicitly mention IRWMP. Recommendations for plans included on IRWMP web site.

**Action: Send URL for IRWMP to IC.**

**Steve Macaulay:** Does floodplain language deal with sea level rise? Bleier: issue was brought up early on—need to revisit and see if workgroup covered the issue.

**Arthur Feinstein:** Process is needed for presenting new language. Answer: Steering Committee will discuss.

**Geoff Brosseau:** Asked what the next steps are...to what extent material gets integrated across all workgroups; refer back and forth. Answer: time will be reserved for integration of individual elements; may cross-reference.

A lot of efforts are already happening; why is there no recognition; a planning document should focus on what is not happening. CCMP should reference other planning efforts—OPP Management Plan came out this summer.

Stormwater-great integrator—critical priorities for implementation should be: flows, non-native species, pollution, needs rough idea of prioritization; monitoring and public involvement are important.

**Trish Mulvey:** Monitoring and public involvement will be woven into the chapters; also priorities relative to indicators development.

**Barbara Salzman:** Update of dredging and waterway modification is needed.

Brockbank has talked with the LTMS group; Peter LaCivita spoke with Brian Ross at EPA; will have something for next meeting.

**Action: Follow-up on dredging update for next meeting.**

**Pete LaCivita:** Methyl mercury issue makes it difficult to move restoration projects forward in a timely fashion. Adaptive management and monitoring plans should be included in the monitoring components of the update.

**David Lewis:** Process this morning was excellent; appreciate distilling of controversial items; wants Save the Bay to participate in process. More difficult when really tough issues don't emerge until end.

**Ellen Johnck:** BPC was a prime organizer of LTMS; "environmental windows program", endangered species, fisheries, and protection of dredging.

**Geoff Brosseau:** Money and funding should be focus of an economic funding section. Mumley: Steering Committee addressing; review CCMP Financial Strategy.

**Marty Gingras:** Much of revision Bay Area centric; not including Central Valley. Need to be careful of Regional Board working on issues. Do not call for something Region 5 cannot do. Also, Delta participation is very minimal. Mumley: we would like more participation from Delta interests.

#### **4. Review of IC Operating Procedures**

The action is to consider the IC Operating Procedures included in the package as Attachment C and either endorse the existing procedures or recommend changes. These will be the decision-making rules for the Update adoption.

**Barbara Salzman:** Committee members should be given speaking priority over non-committee members.

"Procedural motions" are those already noticed by being on the Agenda. "Non-procedural" is something that was not noticed, that just comes up in discussion.

Committee can recognize motion by anyone.

**Arthur Feinstein:** Change "non-procedural" to "substantive" and add it will be agendized at a future meeting.

**Phil Bobel:** How are decisions made? Answer: By vote, majority rules

**Action: Steve McAdam moved for process previously in use by IC; Barbara Salzman Seconded**

**Discussion:**

**Cathy Bleier:** Questioned the notion of a quorum, currently don't have quorum rules.

**Tom Mumley:** We will use the procedures to reach agreement on the actions for the revised CCMP.

**Steve Macaulay:** Will there be a political process involved with the CCMP Update? Mumley: The CCMP has no regulatory authority; it is essentially a watershed management plan. The Executive Council will be asked to act on the Update. Macaulay: Note on Public Outreach strategy that Regional Administrator does not need to sign; but Update will go to Executive Council for approval.

**Trish Mulvey:** Outreach to Sacramento Valley and Farm Bureau is needed. Members discussed who on IC can encourage other players to participate in CCMP Update process.

**Action: Amendment to motion – Phil Bobel moved to add new statement under Quorum: “Voting: The IC strives for consensus (include levels of consensus), failing that, the group votes and the majority rules.”**

**Michael Perrone:** Meeting announced in advance satisfies public notice requirements.

**Action: Steve McAdam reviewed the motion and the amendment. Motion as amended passed.**

**Action: Feinstein would like ICIP list to see who we have contacted.**

**5. CCMP Water Use (WU) Workgroup Presentation #1 – Cindy Darling, facilitator**

Tom Mumley reviewed the process for presenting the chapter, the IC will hear the recommendations, provide comments and ask clarifying questions. Written comments must be submitted to ([Cindy.Darling@resources.ca.gov](mailto:Cindy.Darling@resources.ca.gov)) by November 17. Revised recommendations will be presented for approval to the IC at the Feb. 2, 2007 meeting. The Water Use workgroup met three times. Cindy Darling made the presentation.

**Comments:**

**Rainer Hoenicke:** There was much overlap with including the IRWMP also in the Land Use Watershed chapter that could be translated into actions. There should be an action to encourage urban development to enhance groundwater recharge. WU-4 should note treated wastewater is cheaper than desal.

**Luisa Valiela:** WU 3.2 should be deleted if it will never happen (State taking over CVP) or address in Introduction. Add emerging contaminants as an issue in recycled water (WU 1.3).

**Nadine Hitchcock:** Suggestions for WU 4- IRWMP- add foster environmental stewardship and restoration. 4.1 add and update as needed.

**Arthur Feinstein:** WU-4 Objective; add environmental stewardship and improving ecosystem habitats. On page 2 – water transfers—implementation of EWA not a success. On WU 1.4-slight disconnect between Action and What; confusing. On WU 2.1 under What—“has worked”—not

an action—description of what has happened—syntax. WU-3.1 clarify-- water marketing should be water transfers.

**Barbara Salzman:** Need to make sure reclaimed is changed to recycled and definitions are in Glossary.

**Rick Morat-** Should we address issue of water meters? No: laws already in effect.

**Action: Steve Macaulay would like an electronic version to make his changes.**

**Steve Macaulay:** Summary: discussion needs updating, groundwater banking a big success should be in introduction; cite update of Water Plan-change in public policy at State level; CALFED WUE program—beneficial for conservation. Task force year ago—State Landscape Task Force; 43 recommendations for urban landscapes. Mention and describe. Not in Urban Water Memorandum. Reclaimed water use-cite San Diego water use ordinance. Page 11 WU 3.2-No good tools to measure effectiveness of conservation. More complete to change resources to monitor success. WU 2.5- delete recommendations. Transfers-needs more language; IRWMP where mentioned needs to reflect other adjacent IRWMPs as supportive (Yolo Co, East Contra Costa) effect resources of Bay.

**Geoff Brosseau:** IRWMP or Landscape TF Plan-water permitting at local level. Water rights—lack of water in creeks—habitat values—well drilling and water rights; lack of instream flow protection Coordinate with Aquatic Resources- potential overlap.

**Jerry Bruhns:** Hard to tell focus—Bay Area? Central Valley? Upstream areas have not participated. If can distinguish, let's do it.

## **6. Steering Committee Recommendations**

**A. CCMP Outreach Strategy: Approved**

**B. Informing IC/Executive Council about CCMP Update: Approved**

**C. Schedule for Workgroup Presentations: Approved**

## **7. Letter to SWRCB to Decertify Nationwide Permits**

Following discussion, the consensus process was used. With several abstentions, there was agreement that the IC should wait until the State Water Board takes up the issue, before sending the letter. Item will be continued at a future meeting, letter is premature.

## **8. Announcements: Next IC meeting Feb. 2, 2007 at the State Bldg., 1515 Clay St., Oakland**

- Facility for 2007 State of the Estuary Conference: Masonic Temple in Oakland
- Tom Mumley will be the Conference Chair for the SOE Conference Organizing Committee.